

SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S Election Campaign Control Ordinance

PROPOSED “FUNDRAISING” AMENDMENT

Rev. April 2, 2008

Chapter 2: Government Article 7: Elections, Campaign Finance and Lobbying Division 29: Election Campaign Control Ordinance

27.2903 Definitions

Mirrors 2nd half of Lobbying Ordinance definition. Dollar amount should contemplate any increase in contrib. limits.

Fundraising activity means (a) personally delivering \$_____ or more in *contributions* to a *candidate* or to a *candidate's controlled committee*, or (b) identifying oneself to a *candidate* or a *candidate's controlled committee* as having any degree of responsibility for \$(same as above) or more in *contributions* received by that *committee*.

Immediate family means an individual's spouse or registered domestic partner, and any dependent children.

27.2978 Disclosure of Fundraising Activity

Requires that committees put all tracking in writing, and file supplemental campaign statements.

(a) Every *controlled committee* that engages in the practice of tracking the receipt of *contributions* in connection with an individual's *fundraising activities* shall (1) maintain a written record of each individual being tracked and the amount of *contributions* credited or attributed to that individual, and (2) file a “Fundraising Activity Disclosure Report” with the *City Clerk* at the same time and in the same manner as the *controlled committee's* other campaign statements.

(b) For purposes of this section:

- (1) “Tracking” refers to the act of crediting or attributing a *contribution* to an individual through records, notations, designations, recognitions, acknowledgements, or any other means of recognizing that the *contribution* was raised by the individual.
- (2) When multiple individuals engage in a particular *fundraising activity*, the total amount of *contributions* credited or attributable to each individual is the total amount raised by that activity without regard to anyone's proportionate involvement.

(c) The reporting period for a “Fundraising Activity Disclosure Report” is as follows:

- (1) A “Fundraising Activity Disclosure Report” filed with a Recipient Committee Campaign Statement (FPPC Form 460) shall cover the same reporting period applicable to the FPPC form.
- (2) A “Fundraising Activity Disclosure Report” filed with a Late Contribution Report (FPPC Form 497) shall cover the period from day following the closing date of the *controlled committee's* most recent “Fundraising Activity

497s will be more common if contribution limits are raised to \$1,000 or more.

Disclosure Report” through the day before the filing of the Form 497, or if no previous Report has been filed, then the reporting period shall cover the period from the day following the closing date of the *controlled committee*’s most recent FPPC Form 460 through the day before the filing of the Form 497.

- (d) Each *controlled committee*’s “Fundraising Activity Disclosure Report” shall contain the following information:
- (1) the name of the *controlled committee*; and,
 - (2) the name, home or business address, occupation, and employer of each individual for whom the *controlled committee* has tracked a cumulative total of \$(same as above) or more in *contributions* in connection with the individual’s *fundraising activities* for the *elective City office* being sought, and:
 - (A) the amount of *contributions* received during the reporting period for the *elective City office* being sought that the individual personally delivered to the *controlled committee* or otherwise identified himself or herself to the *controlled committee* as having some degree of responsibility for raising; and,
 - (B) the cumulative amount of *contributions* received for the *elective City office* being sought that the individual personally delivered to the *controlled committee* or otherwise identified himself or herself to the *controlled committee* as having some degree of responsibility for raising; and,
 - (3) a statement by the *candidate* controlling the *committee* that he or she has reviewed the contents of the “Fundraising Activity Disclosure Report” and verified under penalty of perjury that based on personal knowledge or on information and belief that he or she believes such contents to be true, correct, and complete.
- (e) Notwithstanding the provisions of subsection (d), the identity of any individual retained by the *controlled committee* to provide professional fundraising services need not be disclosed on a “Fundraising Activity Disclosure Report” if those services are identified on Schedule E or F of a Recipient Committee Campaign Statement (FPPC Form 460) that is filed in connection with the *election* for which the fundraising took place.
- (f) This section shall not apply to *fundraising activities* personally performed by the *candidate* controlling the *committee*, or by the *candidate*’s *immediate family*.
- (g) In addition to filing a paper copy of the “Fundraising Activity Disclosure Report” with the *City Clerk*, every *controlled committee* required to file campaign statements electronically pursuant to section 27.2931 shall file the Report using the *City Clerk*’s electronic filing system.
- (h) Any *controlled committee* that tracks the receipt of *contributions* in connection with an individual’s *fundraising activities* shall maintain for four years a copy of each record, notation, designation, recognition, acknowledgement, or other writing used by the *controlled committee* for tracking purposes.

Requiring cumulative contributions will reveal persons who fundraise \$1,000 over time, but not in reporting period.

Excludes professional fundraisers from supplemental report.

Also consider excluding a fundraiser’s own personal contribution?

Assumes that City Clerk’s online system will be adapted to allow supplemental filings.